IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 14907 of 1996

Between:

Smt. D.ANJAMMA, W/o. Dharma Reddy, D/o Malla Reddy,
R/o H.No.1-7-57, Narayankhed, Medak District.

..... PETITIONER

AND

1 The District & Sessions Judge, Sanga Reddy, Medak District.
2 Government of Andhra Pradesh, Rep. by its Secretary,
Department of Home, Secretariat, Hyderabad.
3 High Court of Andhra Pradesh, Rep. by its Registrar, Hyderabad.
4 D.Venkatesham, District Court, Sanga Reddy, Medak.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of nature of Mandamus declaring that the petitioner is entitled for appointment as Junior Assistant or any other equivalent post on compassionate grounds consequent on Medical invalidation of his father by replacing the unofficial respondent with all consequential benefits by holding the action of the respondents in continuing the unofficial respondents on the basis of one-sided Enquiry Report without affording reasonable opportunity to the petitioner to produce her witnesses is as illegal, arbitrary, discriminatory and subversive of Articles 14, 16 and 21 of the Constitution and also opposed to all canons of equity, justice and fair play and pass such other and further orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner : MR.D.LINGA RAO

Counsel for the Respondent No.4 : MR.M.RAMA RAO

Counsel for the Respondents No.1 to 3 : Mr.C.V.Nagarjuna Reddy (SC for APHC).

The Court made the following :

ORDER :

(Per The Hon'ble Sri Devinder Gupta, The Chief Justice)

The Petitioner, who claims herself to be the daughter of D.Malla Reddy, has questioned the action of respondents in appointing 4th respondent on compassionate ground after D.Malla Reddy was medically invalidated from the service. Petitioner's case is that respondent No.4 is not the son of D.Malla Reddy and got appointment by mis-representation of facts. She being the married daughter of D.Malla Reddy, is entitled for compassionate appointment.

D.Malla Reddy was originally appointed as L.D.C. in Judicial Department in Medak District during the year 1958. On 1st of March 1994, he moved an application seeking permission to retire on medical invalidation. His request was accepted and by proceedings dated 26.06.1993, he was permitted to retire with effect from 30.06.1993. Subsequently he expired on 24.10.1993. The 4th respondent moved an application on 28.6.1993, seeking his appointment on compassionate ground in the place of D.Malla Reddy, claiming that he is the son of D.Malla Reddy. Appointment accordingly was given to him. Petitioner thereafter started agitating that the appointment of 4th respondent was illegal. She claims to have obtained Legal Heir Certificate from Mandal Revenue Officer that D.Malla Reddy left behind his mother Narsamma, wife Peramma and two daughters Anjamma and Saraswathi. Petitioner was married, so is sister Saraswathi. On petitioner's complaint that respondent No.4 had obtained appointment by mis-representation, respondent No.4 was proceeded against departmentally. Criminal complaint was

sent to the Superintendent of Police and Crime No.132 of 1994 was also registered against him. During departmental proceedings, following charges were framed:

> *"(1) That you have falsely represented that you are the son of late Sri D.Malla Reddy and got your appointment by false representation on compassionate grounds after the retirement of late D.Malla Reddy.*
>
> *(2) That you are the son of Ramavva alias Ramulamma who lived as 2nd wife with late Sri D.Mallareddy who has not legally wedded wife of late D.Malla Reddy and as such you are not legal heir of late D.Mallareddy to claim for appointment as son."*

During departmental proceedings, substantial evidence was lead, but the Inquiry Officer concluded that delinquent was not guilty of any of the charges framed against him. Respondent No.4 thus was exonerated of the charges. Petitioner on administrative side, appears to have filed an appeal, but the same was also dismissed.

Petitioner now seeks to challenge the appointment of respondent No.4 by questioning the legality and validity of the departmental proceedings, stating that the report of the inquiry officer is contrary to record and the inquiry officer failed to give adequate opportunity to cross-examine the witnesses. It is needless to add that petitioner also participated in the departmental proceedings and produced his evidence. After the departmental proceedings were concluded and respondent No.4 was exonerated of the charges, this petition by the petitioner seeking her appointment in the place of respondent No.4 thereby challenging the departmental proceedings, is totally misconceived. In departmental proceedings, petitioner had no *locus standi* except to supply relevant information if any, to the department. Inquiry Officer having concluded that respondent No.4 never falsely represented that he was son of Late D.Malla Reddy, there is hardly any substance in the Writ Petition. Once compassionate appointment has been made to the son of deceased, petitioner cannot claim such appointment to be made in her favour since there is no right vested in

any one to get appointment on compassionate ground.

There is no merit in the writ petition, which is accordingly dismissed. No costs.

DEVINDER GUPTA, C.J.

15th December, 2004.

M.NARAYANA REDDY, J

ajr/vr.

To

1 The District & Sessions Judge, Sanga Reddy, Medak District.
2 The Secretary, Department of Home, Government of Andhra Pradesh,

Secretariat, Hyderabad.
3 The Registrar (Admn.), High Court of Andhra Pradesh, Hyderabad.
4 D.Venkatesham, District Court, Sanga Reddy, Medak.

5 Two C.D. copies.